

**WATCHDOG REPORT**  
WHEN POLICE FIRE THEIR WEAPONS

# Shooting dogs on city streets

## RPD fired 217 times at 87 often vicious dogs in last 5 years

**Findings**

■ When Rochester police fire their guns, they're aiming at dogs two-thirds of the time.

■ Half of all dog shootings involve a single shot.

■ Four out of five dogs shot at are pit bulls.

**DAVID ANDREATTA**  
STAFF WRITER

An enraged pit bull charges a Rochester police officer struggling to corral him into a patrol car. The officer fires his Beretta 16 times, emptying the gun, hitting the dog with at least six shots and lodging a bullet in a nearby house.

The scenario is among dozens of dog shootings described in

vivid detail in weapons discharge reports filed by Rochester police officers, who more often than not are aiming at canines when they fire their guns.

Police have shot at 87 dogs, killing 35 and injuring 33, in the line of duty over the last five years, according to a review of police reports from 2004 to April 2009 obtained by the *Democrat and Chronicle* under the Free-

dom of Information law. Some of the injured were later euthanized.

Over the same period, police fired at nine people and used their guns to kill 36 deer, all of them injured before police were summoned. Guns discharged accidentally three times.

All of the dog shootings were

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# Dogs

FROM PAGE 1A

determined to be within Rochester Police Department guidelines, which permit the use of deadly force on animals when they are attacking or "presenting an imminent danger" to any person.

Officers may also put down an animal with supervisor permission if the animal is injured and suffering.

But in only five instances did officers come into physical contact with the canines they targeted, according to the report. One officer was injured, a dog bit to his right leg required 19 stitches.

In one case in November 2007, a pit bull was fatally shot while penned in a front porch enclosed in glass. The report described an officer in red gear leading a search warrant team onto the porch and shooting through the porch glass door with a shotgun.

The dog was blocking officers' entrance into the house, the report read.

Two years earlier, the same officer blew out a glass storm door that "blew into the house," the report read.

The buckshot missed the dog and penetrated the front door.

Another shooting in September 2008 involved a leashed mastiff that charged at an officer. Police reported: "The dog was leashed, however the leash was long enough to allow the dog to charge the officer. The dog was treated after the officer fired twice, missing both times."

Reliable national statistics on dog shootings by police are not available, but Dana Campbell, a Rochester-based lawyer for the Animal Legal Defense Fund, said anecdotal evidence suggests such incidents are increasingly common.

"It seems to be epidemic," Campbell said. "I think folks would be alarmed to know how many cases of this are going on out there."

## Many are pit bulls

The number of dogs shot at by Rochester police in 2008, when 22 dogs were targeted, was nearly double the 12 dogs fired upon in 2004 but about half of the 41 reportedly shot at in 2006. Light dogs were fired upon in the first four months of 2009. The number of dogs killed each year has remained steady at about six.

Nearly four out of every five dogs shot at by police were pit bulls. About a third of the incidents occurred while police were executing a search warrant in which they forced entry and were confronted by aggressive dogs, according to the report.

The dogs were so manic in some cases that they refused to retreat even after being shot several times. During a raid on an upstairs apartment on Emerson Street in 2006, an officer shot a pit bull in the face and chest upon entry. When that failed to deter the dog, the officer and his colleague fired nine more rounds into the dog's face, chest and sides. "Each time the dog refused to go down and kept advancing on the entry team," the report read.

Donnenstein said, "Their responsibility is to protect

to suppress a German shepherd during a raid on Culver Road in 2006, according to the report. While the mayhem ensued, a pit bull that had retreated to a bedroom leapt out the window and ran away.

In both cases, police arrested people on drug charges. In the Culver Road incident, a couple sued the city and other law enforcement agencies involved in the raid for \$10 million.

The case is still in federal court.

Animal rights advocates and law enforcement officials said pit bulls, with their vicious jaws, are the breed of choice among drug dealers, who train the dogs to protect their illicit behavior. When police raided another suspected drug den on Emerson Street in 2007, they encountered a pit bull with a weight tied around its neck, presumably, the report stated, to strengthen its muscles.

Notwithstanding, hostile dogs can be restrained without lethal force, but police forces are not trained to do so, said Randall Lockwood, a vice president at the American Society for the Prevention of Cruelty to Animals who conducts training for police departments across the country.

"The standard most police operate under is an officer feels threatened, or he feels there is a danger to the safety of others, then the use of lethal force is justified," Lockwood said.

"It's a very low standard. One could feel threatened because they're afraid of dogs, or can't read dogs, or just don't like dogs," he said.

He said that while police are trained to use batons or pepper spray to subdue people, instructions for using such implements on dogs is largely absent.

"There is virtually no training," Lockwood said. "When I'm asked to come and do training, it's because there has been an incident."

**Owners' responsibility**

Deputy Chief George Markert said officers are not trained to handle aggressive animals.

When officers are confronted by vicious dogs, he said, they are taught to assess the danger and rely on their firearms training and department guidelines.

The training, he said, includes teaching officers who open fire to continue firing until they determine that the threat is abated.

Chris Fitzgerald, director of Rochester Animal Services, which has been providing pit bull training since 2000, said the two-hour session gets with new recruits at the police academy is devoted to lessons in animal cruelty and dangerous animal laws, as required by state law.

Fitzgerald, who teaches dog-life prevention to the public, said he is in discussions about whether to incorporate dog-life prevention into police training.

Rene DiDomenico, an animal cruelty investigator with the Humane Society of Greater Rochester and a former Monroe County sheriff's officer, said he believed such instruction was unnecessary.

"They really shouldn't have to have training," DiDomenico said. "Their responsibility is to protect

## Police firearms discharged

In the past year, 2008, 66 percent of targets fired at by Rochester police in the line of duty have been dogs. The number of shots fired is significantly higher than the number of dogs targeted.

### Targets fired at

Shooting statistics from 2004-April 2009



SOURCE: Rochester Police Department

### Dog statistics

Shooting statistics from 2004-April 2009



SOURCE: Rochester Police Department

## Bad dogs or unfair reputation?

Pit bulls have bad reputations, with special legislation aimed at them in some states and special liability insurance rates. For news about these dogs, go to [www.wabc.org](http://www.wabc.org). For a site aimed at pit bull lovers and defending the dogs go to [www.pitbulllovers.com](http://www.pitbulllovers.com).

**Lawsuits**

In one case, the city of Rochester has settled four lawsuits stemming from police shooting at dogs. The settlement was \$1.1 million, according to records obtained under the Freedom of Information Law.

In one case, the plaintiff sued over "bullet damage" his property sustained in June 2004 when an officer fired at a dog on front Avenue in June 2007, shot a German shepherd in the front paw and shot at and missed the dog five times. The settlement was \$650.

The city was sued after police, responding to a report of an illegal dice game on front Avenue in June 2007, shot a German shepherd in the front paw and shot at and missed the dog five times. The settlement was \$650.

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"If you're already shot the dog two or three times and he can't get up, how many more times do you have to shoot it?" she said. "It was overkill."

The report stated that the dog was struck "at least six times" and that one of the bullets hit the left side of a house whose driveway was the backdrop of the shooting.

The report also noted that the shooting officer and two colleagues had attempted to guide the pit bull into a patrol car while waiting for animal control officers to respond to their request for help.

## Animal control's job

Dispatchers reported that police fired on dogs in several instances while waiting for Animal Services to arrive on the scene.

Fitzgerald, the director of Animal Services, said the agency does not track as many calls as the officers must comply with traffic laws and its vehicles are not equipped with sirens, factors that Fitzgerald said made sense.

"I don't think it would be in the best interest of our safety or the public's safety to be racing to a scene," Fitzgerald said. "If a dog is going to bite, it will have bitten before we can get there."

Animal Services had spent around the clock for 2007 the last year statistics were made public, show that officers there were bitten by dogs more often than Rochester police.

Of the 44 New York City officers who fired on dogs that year 10 were bitten. Five were disciplined for their role in the incidents, including two for not properly handling stray animals.

Of all the dog shootings in Rochester since 2004, four officers were bitten. The case is pending in federal court.

A Brighton woman has sued Monroe County and other area law enforcement agencies for a raid on her home in which her dog, Damian, was shot and killed. According to the complaint, filed in federal court, police told her young son to let go of the dog's collar and move to another room. When the boy did police shot the dog, according to the complaint. "Mom, they shot Damian," the boy is quoted as yelling. "They shot our dog."

The discharge report stated that the dog charged the officer and that the officer attempted to take cover with Sanchez and her daughter inside the house before firing.

In September 2007, Tammy Heron, 40, was awakened at 6:15 a.m. by repeated gunfire outside her Springfield Avenue home. The shots were being fired at a dog pit bull in her neighbor's front yard by an officer who eventually shot 16 rounds at the dog.

Heron recalled watching the dog's legs buckle

as it attempted to scamp while the officer shot it to death.

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## GOP slams Democrats' climate bill as an energy tax

By JEFF HENRY

WASHINGTON —

Republicans on Saturday slammed a Democratic bill before the House that seeks to address climate change, arguing that it amounts to an energy tax on consumers.

In the GOP's weekly radio and Internet address, Indiana Rep. Mike Pence

said Congress should instead open the way for more domestic oil and natural gas production and ease barriers to building nuclear power plants.

"During these difficult times, the American people don't want a national energy tax out of Washington, D.C.," said Pence.

Pence reiterated what GOP lawmakers have

been saying for weeks: that the climate bill being considered in the House capped releases of carbon dioxide and other greenhouse gases would lead to much higher energy costs and accomplish little to counter global warming if other nations do not act as well.

The bill's supporters, however, argue that the increased costs

can be minimized. Pence outlined the alternative proposal that he and other Republicans unveiled earlier this week.

The GOP plan included no mandatory limits on greenhouse gases — something that supporters of the Democratic bill argue is essential to reduce global warming.

Still, Pence maintains

the GOP plan would promote nonfossil energy use. "The Republican energy plan calls for more domestic exploration for oil and natural gas, no new commitment to clean emission-free nuclear energy investments in renewable and alternative energy technologies and incentives to spur greater conservation

among individuals and businesses," he said.

When Pence introduced the GOP measure, the office of House Speaker Nancy Pelosi, D-Calif., called it "the same tired policies...at a time when Americans are seeking new solutions to reinvigorate our economy and break our dependence on foreign energy sources."